



**LIQUOR & TOBACCO ADVISORY BOARD**  
**Tuesday, July 21, 2015**  
**6:00 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**LTAB Members:** Alicia DiBenedetto-Neubauer  
Melissa Luciani-Beckford  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell  
Kimberly Wheeler-Johnsen

**Absent:** Tom Fabiano

**Staff:** Scott Capovilla – Zoning and Land Use Administrator  
Angela Hammer – Assistant City Attorney  
Sandra Hawthorne - Administrative Assistant  
Marcy Leach - Public Works  
Tim Morris – Fire Department  
Nolan Walker – Police Department

**Others:** Kathy Berg - Stenographer  
Alderman Thomas McNamara  
Applicants and Interested Parties

---

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.

- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, July 27, 2015 at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 7:35 P.M. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the June 16<sup>th</sup> meeting with Corrections. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Tom Fabiano absent.

**014-LTAB-017**

Applicant  
Ward 10

**5410 and 5456 East State Street**

Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.

**Sale of liquor by the drink** in conjunction with a restaurant, bar and grill, nightclub and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District.

**Laid Over June 2014 – June 2015**

The Applicant **WITHDREW** this application prior to the meeting. No further action will be taken on this Staff Recommendation is for Approval with (10) conditions. Objectors or Interested Parties were present.

**014-LTAB-035**

Applicant  
Ward 10

**262 North Phelps Avenue**

Mary Maggio d/b/a Sam's Slots Inc.

**Sale of beer and wine by the drink** in conjunction with a video gaming facility in a C-3, General Commercial Zoning District.

**Laid Over September 2014 – June 2015**

Neither Applicant nor Representative was present.

A **MOTION** was made by Alicia Neubauer to **DISMISS** the request for sale of beer and wine by the drink in conjunction with a video gaming facility in the name of Mary Maggio d/b/a Sam's Slot Inc. in a C-3 General Commercial Zoning District. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0

**014-LTAB-036**

Applicant  
Ward 10

**280 North Phelps Avenue**

Brandan T. Blackler d/b/a Maxswells Eatery & Slots

**Sale of beer and wine by the drink** in conjunction with an eatery and a video Gaming facility in a C-3, General Commercial Zoning District  
**Laid Over September 2014 – June 2015**

Neither Applicant nor Representative was present.

A **MOTION** was made by Alicia Neubauer to **DISMISS** the request for sale of beer and wine by the drink in conjunction with an eatery and a video gaming facility in the name of Brandan T. Blackler d/b/a Maxswells Eatery & Slot in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

**015-LTAB-030**

Applicant  
Ward 03

**307 and 311 Mulberry Street**

Joyce Krumm d/b/a City Tobacco & More Inc.

**Modification of existing tobacco license** to expand the business size 1,320 square feet by occupying an existing vacant tenant space in a C-4, Urban Mixed-Use Zoning District

The subject property is located west of the North Main Street and Mulberry Street intersection. Joyce Krumm, Applicant, reviewed her request for modification of existing tobacco license. She incorporated her business at the first of the year to get licensing and wishes to expand her existing business into an adjoining space. She stated there will be no change in sales items – this request is specifically to allow her more space. If financially feasible, she would like to put in a walk in cooler which is more efficient but does take up more space. This expansion will allow her to have more space for her grocery items.

Attorney Hammer asked Ms. Krumm if she is agreeable to Staff conditions and Ms. Krumm responded she was.

Staff Recommendation is for Approval with (9) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Modification of existing tobacco license to expand the business size 1,320 square feet by occupying an existing vacant tenant space in the name of Joyce Krumm d/b/a City Tobacco & More Inc. in a C-4, Urban Mixed-Use Zoning District at 307 and 311 Mulberry Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco products shall be limited to Exhibit F, the submitted interior floor plan.
4. The hours and days of operation for the tobacco and convenience store will be from 8:00 AM to 8:00 PM, Monday through Saturday and 10:00 AM to 6:00 PM on Sunday.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
7. Window display signage is limited to 20% of window area.
8. That there shall not be temporary exterior signage.
9. That the windows shall not be covered with bars or other devices that block the windows.

**015-LTAB-031**

Applicant  
Ward 06

**2901 11<sup>th</sup> Street**

Ahmed Owfi d/b/a 11<sup>th</sup> Street Discount Tobacco

**Sale of tobacco products** in conjunction with a tobacco and convenience store in a C-3, General Commercial Zoning District

The subject property is located on the southwest corner of the Reed Avenue and 11<sup>th</sup> Street intersection. Ahmed Owfi and Jennifer Miller were present. Ms. Miller stated the sale of tobacco products is already in effect; however, Mr. Owfi is the new owner and must obtain a tobacco license in his name. He stated he is agreeable to Staff conditions.

Staff Recommendation is for Approval with (10) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of tobacco products in conjunction with a tobacco and convenience store in the name of Ahmed Owfi d/b/a 11<sup>th</sup> Street Discount Tobacco in a C-3, General Commercial Zoning District at 2901 11<sup>th</sup> Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. The sale of tobacco products shall be limited to Exhibit D, the submitted interior floor plan.
4. The site and landscaping must be maintained in a neat, clean and orderly conditions.
5. The hours and days of operation for the tobacco and convenience store will be from 8:00 AM to 12:00 AM, Monday through Sunday.
6. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed o be easily manufactured into drug paraphernalia is prohibited.
7. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
8. Window display signage is limited to 20% of window area.
9. That there shall not be temporary exterior signage.
10. That the windows shall not be covered with bars or other devices that block the windows.

**015-LTAB-032**

Applicant  
Ward 11

**1725 Kishwaukee Street**

Kassem Ahmed for KA Service Corp d/b/a Rockford Food & Liquor

**Sale of tobacco products** in conjunction with a liquor store

**Sale of packaged liquor** in conjunction with a liquor store in an I-1, Light Industrial Zoning District and C-3, General Commercial Zoning District

The subject property is located on the west side of Kishwaukee Street. Kassem Ahmed, Applicant and his Attorney, Andrew Hanson were present. Attorney Hanson stated he was concerned with the limitation on the hours of operation listed in conditions of Approval. He stated this business has been in operation for a number of years under the previous owner and his client wishes to extend hours of operation to what is currently allowed under the previous owner. He stated the current business sells tobacco and liquor as well.

Attorney Hammer asked if the applicant needed time to comply with some of the conditions regarding parking lot repair, landscaping and signage. Attorney Hanson stated they are currently working on these but would like to request a month extension after establishment of use.

Attorney Hammer stated the Applicant is requesting additional hours of operations, but they have indicated they are only intending to have security on Thursday, Friday and Saturday. Attorney Hanson responded his client felt that those times are only what would be necessary.

Scott Sanders asked Legal what their comfort level would be on extending hours. Attorney Hammer stated they have a concern with the number of calls for service which were 46 calls, and them not wanting to have security all days they are open as well as extended hours. Dan Roszkowski pointed out that most of the calls for service are late in the evening to early morning hours when the Applicant would not have security. 15 of the calls, or almost one third, are between midnight and 2:00 AM. Mr. Sanders asked if the applicant was willing to provide security from 7:00 PM to close every day they would be open. The Attorney stated he feels that would be agreeable.

Staff Recommendation is for Approval subject to (17) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of tobacco products in conjunction with a liquor store and to **APPROVE** the sale of packaged liquor in conjunction with a liquor store in the name of Kassem Ahmed for KA Service Corp d/b/a Rockford Food & Liquor in an I-1, Light Industrial Zoning District and C-3, General Commercial Zoning District at 1725 Kishwaukee Street with amendments to conditions (6), (7) and (17) and the addition of condition (18). The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-1 with Dan Roszkowski voting Nay.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 20% of window area.
4. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
5. Submittal of interior floor plan indicating location of liquor and tobacco.
6. The hours and day of operation will be from 8:00 AM 1:00 AM Monday through Thursday and 10:00 AM to 12:00 PM (Midnight) on Sunday.
7. The hours and days of operation will be from 8:00 AM to 2:00 AM Friday and Saturday.
8. There shall be no single serving sales of beer or wine in volumes of 12 oz. or less.
9. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
10. That the windows shall not be covered with bars or other devices that block the windows.
11. All windows must be repaired and maintained in accordance with the City of Rockford Property Maintenance Code.
12. All signage on property must come into compliance with the current Sign Ordinance, including the removal of four (4) wall signs.
13. Parking lot must be repaired and the parking spaces must be striped to meet code.
14. Submittal of a landscaping plan to include frontage landscaping with units for Staff's review and approval.
15. Dumpster must be enclosed on a paved surface.
16. Out side storage of vehicles must be discontinued and removed from the property.
17. All conditions must be met within 30 days of establishment of use.
18. Licensed Security to be provided on premises from 7:00 PM to close of business Monday through Sunday.

**015-LTAB-033**

Applicant  
Ward 08

**3835 Broadway**

Martha Meyers d/b/a Dema's on Broadway

**Sale of liquor by the drink** in conjunction with a full food and beverage service restaurant and gaming

**Sale of liquor by the drink** in conjunction with an outdoor seating area in a C-2, Limited Commercial Zoning District and R-1, Single-family Residential Zoning District

The subject property is located on the south side of Broadway and 40' west of Log Cabin Avenue. Attorney Mario Tarara, and Martha Meyers, Applicant, were present. Attorney Tarara reviewed the request for sale of liquor. This property was purchased by Ms. Meyers with the intent to open a restaurant with liquor by the drink. She currently lives on the property as well. Attorney Tarara indicated the Applicant has improved landscaping, and an awning has been added to identify the restaurant. A number of improvements have been made to the interior of the property to reflect a restaurant use. Attorney Tarara stated they are aware two previous applications were denied; however this use is a different use in that it will be a restaurant use and not just a tavern or bar. He further indicated the property will be brought up to code, the parking lot will be restriped and there is a space in the rear of the property for additional parking should it be required in the future. Hours of operation Friday and Saturday 7:00 AM to Midnight and Sunday thru Thursday 7:00 AM to 11:00 PM.

Scott Sanders asked Legal what their reason was for recommending Denial. Attorney Hammer stated some of the information was missing from the application and that information was clarified at the meeting. Scott Capovilla stated although clarification was made, it would not change Staff's recommendation of Denial.

Staff Recommendation is for Denial of both requests. Objectors were present. In addition, (3) letters of Objection were received and provided to the Board prior to the meeting.

Mr. & Mrs. David W. McCue, 1602 Remington Road were present as Objectors. Mr. McCue stated he has lived in the neighborhood 35 years. He stated there used to be 3 dining establishments but they have since closed and have been replaced by bars. He also stated when Big Foot applied for their business they presented themselves as a restaurant but is actually a bar that has caused numerous problems for the neighborhood. Mrs. McCue stated in the last 16 months there has been a murder in the one of the parking lots, and a couple of years ago a child was hit by a car driven by a patron of Big Foot. She stated they have continually had problems with both Big Foot and Sports Page.

Judith Boone, 3815 15<sup>th</sup> Avenue stated her concern was with additional traffic and noise. There are restaurants and bars in proximity of this location with the sale of liquor, including liquor stores. She feels this area is saturated with liquor sales.

Linda Ksiazek, 3802 15<sup>th</sup> Avenue stated she is the Coordinator of 5 Points Neighborhood Association. She states they currently have excess traffic, police calls, a shooting in Sports Page parking lot and feels an additional liquor establishment would add to these problems even further. This is an older area and the residents are trying to make it better. She stated another bar is not going to do this. She questions the percentage of liquor sales to food and asked how many restaurants have requested packaged liquor. (Note: Ms. Ksiazek came up to the Board Administrative Assistant after the meeting and it was explained to her that she was looking at the previous History section of the Staff Report and clarified that this Applicant is not applying for packaged liquor).

William Treadman, 310 7<sup>th</sup> Street, Apartment 718, stated he was born and raised in this neighborhood. They do not want any type of liquor establishment in this area. He said the restaurant is welcome but no liquor sales. The proposal for the deck on the south side of the building is on Log Cabin and Eastmoreland, which is all residential. Regarding gaming, there are already many gaming facilities in the area. He pointed out that although this is proposed as a family restaurant, the menu does not offer a child menu. Mr. Treadman was also concerned that the restaurant will close early and the bar will remain open until early morning hours.

Alderman Jeanne Oddo, Alderman of the Ward, sent an e-mail to Scott Capovilla prior to the meeting. Mr. Capovilla stated she expressed concerns with a high concentration of alcohol sales in the area. He also pointed out that the Applicant had been doing remodeling in the building without permits and a Stop Work Order was issued.

In response, Attorney Tarara explained that package liquor sales is not part of this application. He feels a restaurant use is fitting for the sector. Ms. Meyers lives at this property so she does have a stake in its prosperity.

Scott Sanders was in agreement that there is an alcohol saturation in this area. Kim pointed out that the Applicant did not have any one present to support her application, but that there were a significant number of objectors. Craig Sockwell is in agreement with Staff recommendation of Denial, but did express that he has a concern with the building remaining vacant. The building is basically set up and designed for a restaurant and bar and does not know what other use would be feasible.

A **MOTION** was made by Scott Sanders to **DENY** the sale of liquor by the drink in conjunction with a full food and beverage service restaurant and gaming and to **DENY** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Martha Meyers d/b/a Dema's on Broadway in a C-2, Limited Commercial Zoning District and R-1, Single-family Residential Zoning District at 3835 Broadway. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

#### **OTHER**

A copy of the new Rules and Procedures for the Liquor & Tobacco Advisory Board were provided by Attorney Hammer for the Board to adopt. A **MOTION** was made by Kim Johnsen to **APPROVE** the adoption of the Rules and Procedures as presented. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 8:32 PM

Respectfully submitted,

Sandra A. Hawthorne, Administrative Assistant  
Liquor & Tobacco Advisory Board